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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,313	08/30/2001	Ryan Patrick Fong	10012952-1	2187

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

TANG, KAREN C

ART UNIT PAPER NUMBER

2151

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/944,313	FONG ET AL.	
	Examiner	Art Unit	
	Karen C. Tang	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/14/06 has been entered.
- Claims 1-40 are presented for further examination.
- The Official Notice is considered as admitted prior art due to the fact that the Applicant has challenged the Official Notice and the challenge was satisfied since the previous action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley et al hereinafter Rowley (US 2003/0009754) and McIntyre et al hereinafter McIntyre (US 2003/0009253).

1. Referring to Claims 1 and 8, Rowley discloses

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a computer network to facilitate the intelligent deployment of one or more data processing systems (refer to 0002 and 0011, and 0101), comprising:

one or more data processing systems to be intelligently deployed (supervisory process control, refer to 0011);

one or more reference data processing systems containing deployment information (management information system, refer to 0011 and 0148);

a means for transmission capable of conveying said deployment information to said one or more data processing systems (transmit information, refer to 0011 and 0141);

a dedicated data process system containing deployment information copied from said one or more reference data processing systems (refer to 0121, 0122 and 0143 - 0148), wherein said dedicated data processing system conveys to said one or more data processing systems over said means for transmission a package of deployment information selected from said deployment information (refer to 0040), which is based on said deployment information that was captured (refer to 0038), upon receiving a command from a user (refer to 0037 and 0046 and 0141) and wherein said dedicated data processing system compares attributes of said package of said deployment information with attributes of said one or more data processing systems (refer to 0108, 0119, 0133) and

Rowley did not expressly indicate prevents transmission of said package to said one or more data processing system if there is no match between said attributes of said package and said attributes of said one or more data processing system.

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McIntyre disclosed prevents transmission of said package to said one or more data processing system if there is no match between said attributes of said package and said attributes of said one or more data processing system (refer to 0144-0147).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Rowley and McIntyre because the arts are analogous.

The suggestion/motivation would have been that by providing centralized alarm, it provides the interest personal information of how to deploy proper information to the proper system and to take remedial action if needed.

2. Referring to Claims 2, 9, and 15, Rowley discloses wherein said deployment information in said memory is stored on a dedicated data processing system connected to a computer network (0053, 0054, 0102 and 0143, 0151, and, 0156).

3. Referring to Claim 3, Rowley discloses wherein capturing said deployment information includes refreshing said deployment information (refer to 0009, 0053, 0054, and 0094).

4. Referring to Claims 4, 10 and 16, Rowley discloses wherein capturing said deployment information includes referencing deployment information stored from a previous instance of deployment of one or more data processing systems (0011, 0047, 0063).

5. Referring to Claims 6 and 12, Rowley discloses wherein said deployment information includes a hardware portion of a configuration and a remaining portion of said configuration, and said intelligently deploying can update said hardware portion of said configuration on a data processing system of said one or more data processing systems before software image deployment, without destructively modifying said remaining portion of said configuration of said one or more data processing systems (refer to 0039, 0046, 0088-0091 and 0143-0149).

6. Referring to Claims 7 and 13, Rowley discloses wherein said deployment information includes a hardware portion of a configuration and a remaining portion of said configuration, and said intelligently deploying can update said hardware portion of said configuration on a data processing system of said one or more data processing systems that has already been configured without destructively modifying said remaining portion of said configuration of said one or more data processing systems (refer to 0049, 0046, 0088-0091 and 0143-0149).

7. Referring to Claim 14, Rowley discloses a computer program (refer to 0011) embodied on electronically-readable media (it is inherent that computer consists a electronically-readable media, refer to 0006), containing instructions to facilitate the deployment of one or more data processing systems (0046-0047), comprising: a program code segment to capture deployment information from a reference data processing system to deploy on said one or more data processing systems (refer to

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0061-0089), wherein said deployment information is stored in a memory (0053, 0054, 0102 and 0143, 0151, and, 0156) a program code segment to select said one or more data processing systems (refer to 0051); a program code segment to select a package of said deployment information to be deployed on said one or more data processing systems (refer to 0046-0051 and 0101-0103, and 0144); and a program code segment to intelligently deploy said one or more data processing systems upon receiving a command from a user (refer to 0046 and 0073, 0144), including program code to reference said package of said deployment information that is stored (refer to 0102) in said memory (it is inherent that computer consists an electronically-readable memory, refer to 0006).

8. Referring to Claim 17, Rowley discloses wherein said program code segment to select one or more data processing systems to be included in said one or more data processing systems is executed on a data processing system coupled to a network of data processing systems (refer to 0051).

9. Referring to Claim 18, Rowley discloses wherein said program code segment to select a package of said deployment information to be deployed on said one or more data processing systems is executed on a data processing system coupled to a network of data processing systems (refer to 0046-0051 and 0101-0103, and 0144).

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10. Referring to Claim 19, Rowley discloses wherein said program code segment to intelligently deploy said one or more data processing systems upon receiving a command from a user interacts with a network of data processing systems (refer to 0046 and 0073, 0144).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley et al hereinafter Rowley (US 2003/0009754) in view McIntyre et al hereinafter McIntyre (US 2003/0009253) and in further view of "Official Notice".

11. Referring to Claims 5 and 11, Rowley discloses operating system information (refer to 0131), application software package information (refer to 0063), user setting (refer to 0042), and configuration information system (refer to 0046).

Rowley and McIntyre did not expressly indicates disk drive partitions, disk drive settings, disk array controller settings, PCI device settings, non-PCI device settings, firmware settings, fixed code settings.

Official Notice is taken that the limitations narrowed by this claim are consider obvious and furthermore a matter of design choice.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley et al hereinafter Rowley (US 2003/0009754) in view of McIntyre et al hereinafter McIntyre (US 2003/0009253) in further view of Zoltan (US 6,529,917).

12. Referring to Claim 20, Rowley discloses the information are stored (refer to 0102) and a computer is being used (it is inherent that computer consists an electronically-readable memory, refer to 0006)

Rowley and McIntyre did not discloses wherein said electronically-readable memory is a non-volatile memory selected from the group of non-volatile memories consisting of: a magnetic disk drive, a magneto-optic disk drive, a floppy diskette, a compact disc, and a flash memory.

Zoltan (US 6,529,917) discloses electronically-readable memory is a non-volatile memory selected from the group of non-volatile memories consisting of: a magnetic disk drive, a magneto-optic disk drive, a floppy diskette, a compact disc, and a flash memory (refer to Col 9, Lines 60-65 and Col 10, Lines 1-25).

At the time o the invention, it would have been obvious to a person of ordinary skill in the art to combine Rowley, McIntyre and Zoltan.

The suggestion/motivation for doing so would have been that once the power is shut, the data store on the external device would not be lost, for conveniences purpose.

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Claim 21-28, 30, 31, 32, 33, 34, 35, 37, 38, 39 and 40 are rejected under 35 U.S.C.

103(a) as being unpatentable over Rowley et al hereinafter Rowley (US 2003/0009754)

in view of McIntyre et al hereinafter McIntyre (US 2003/0009253) in further view of

Fleming (US 20030070065)

13. Referring to Claims 21-26, 32, 33, 39 and 40, Rowley discloses customized capture, where result in the capture of selected hardware configuration, base software , or incremental capture of the reference data processing system (refer to 0074-0079).

Rowley and McIntyre did not expressly indicate the default image capture where it will result in an automatic image capture of all hardware configuration and base software images in the reference data processing system.

Fleming discloses indicate the default image capture where it will result in an automatic image capture of all hardware configuration and base software images in the reference data processing system (refer to 0019).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Rowley, McIntyre and Fleming because both inventions indicate the need to configure the system enable operate the proper functionality.

The suggestion/motivation would have been that Rowley indicate that the developer specifies the functionality and control of the application, and provides the user the ability to config the system. It provides the convenience for user to remember the previous configuration settling for trouble shooting purpose in case of the system failure after the user alter the configuration system.

14. Referring to Claims 27 and 34, Rowley discloses a method for deploying at least one target data processing systems, comprising:

selecting a reference data processing system; specifying, by a user, capture information from the reference data processing system, wherein said capture information includes a name, description and destination (refer to 0011, 0012, 0038, 0037, 0046, 0074-0079, 0141, 0135-0143);

capturing the image from the reference data processing system after selecting an image capture option;

selecting said one or more target data processing systems (refer to 0074-0079);

deploying the captured one or more target data processing systems based upon a selected deployment option (0074-0079).

Rowley and McIntyre did not expressly indicate the capture information is image data.

Fleming discloses indicate the default image capture where it will result in an automatic image capture of all hardware configuration and base software images in the reference data processing system (refer to 0019).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Fowley, McIntyre and Fleming because both inventions indicate the need to configure the system enable operate the proper functionality.

The suggestion/motivation would have been that Rowley indicate that the developer specifies the functionality and control of the application, and provides the user the ability to config the system. It provides the convenience for user to remember the previous

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configuration settling for trouble shooting purpose in case of the system failure after the user alter the configuration system.

15. Referring to Claims 28 and 35, Rowley discloses refreshing capture information (refer to 0009, 0053, 0054, and 0094).

16. Referring to Claims 30 and 37, Rowley discloses wherein said deployment information includes a hardware portion of a configuration and a remaining portion of said configuration, and said intelligently deploying can update said hardware portion of said configuration on a data processing system of said one or more data processing systems before software image deployment, without destructively modifying said remaining portion of said configuration of said one or more data processing systems (refer to 0039, 0046, 0088-0091 and 0143-0149).

Rowley and McIntyre did not expressly indicate the image data.

Fleming discloses indicate the default image capture where it will result in an automatic image capture of all hardware configuration and base software images in the reference data processing system (refer to 0019).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Rowley, McIntyre and Fleming because both inventions indicate the need to configure the system enable operate the proper functionality.

The suggestion/motivation would have been that Rowley indicate that the developer specifies the functionality and control of the application, and provides the user the ability

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to config the system. It provides the convenience for user to remember the previous configuration settling for trouble shooting purpose in case of the system failure after the user alter the configuration system.

17. Referring to Claims 31 and 38, Rowley discloses wherein said deployment information includes a hardware portion of a configuration and a remaining portion of said configuration, and said intelligently deploying can update said hardware portion of said configuration on a data processing system of said one or more data processing systems that has already been configured without destructively modifying said remaining portion of said configuration of said one or more data processing systems (refer to 0049, 0046, 0088-0091 and 0143-0149).

Rowley and McIntyre did not expressly indicate the image data.

Fleming discloses indicate the default image capture where it will result in an automatic image capture of all hardware configuration and base software images in the reference data processing system (refer to 0019).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Rowley, McIntyre and Fleming because both inventions indicate the need to configure the system enable operate the proper functionality.

The suggestion/motivation would have been that Rowley indicate that the developer specifies the functionality and control of the application, and provides the user the ability to config the system. It provides the convenience for user to remember the previous

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configuration settling for trouble shooting purpose in case of the system failure after the user alter the configuration system.

Claims 29 and 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley et al hereinafter Rowley (US 2003/0009754) in view McIntyre et al hereinafter McIntyre (US 2003/0009253) in further view of Fleming (US 20030070065) and "Official Notice".

18. Referring to Claims 29 and 36, Rowley discloses operating system information (refer to 0131), application software package information (refer to 0063), user setting (refer to 0042), and configuration information system (refer to 0046).

Rowley, McIntyre and Fleming do not expressly indicates disk drive partitions, disk drive settings, disk array controller settings, PCI device settings, non-PCI device settings, firmware settings, fixed code settings.

Official Notice is taken that the limitations narrowed by this claim are consider obvious and furthermore a matter of design choice.

Response to Arguments

Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen Tang

Khanh Dinh
Primary Examiner